

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Dean D. Hunt
Email: dhunt@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04698 (SMB)

Plaintiff,

v.

NANCY J. MARKS TRUST 2002; THE ESTATE
OF NANCY J. MARKS; SIDNEY MARKS, in his
capacity as successor Trustee for the Nancy J.

Marks Trust 2002 and as Personal Representative of the Estate of Nancy J. Marks; LAWRENCE D. MARKS; ROBERT A. MARKS; and SUSAN M. LAZARUS,

Defendants.

STIPULATION EXTENDING TIME TO RESPOND

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned herein, that the date before which the above-captioned Defendants (individually and collectively, the “Defendants”) may move, answer or otherwise respond to the complaint (the “Complaint”) filed in the above-captioned adversary proceeding is extended up to and including October 19, 2015.

The purpose of this stipulated extension is to provide additional time for Defendants to answer, move against, or otherwise respond to the Complaint. Nothing in this stipulation is a waiver of the Defendants’ right to request from the Court a further extension of time to answer, move or otherwise respond and/or the Trustee’s right to object to any such request.

Except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses they may have, and entry into this stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

Undersigned counsel for Sidney Marks, Lawrence D. Marks, Robert A. Marks and Susan M. Lazarus (“Individual Defendants”): (i) expressly represents that as of the date of this stipulation, all Individual Defendants represented by the undersigned counsel in the adversary proceeding are alive or that counsel has previously provided notice to the Trustee in writing of such Individual Defendants’ death; (ii) expressly agrees to notify the Trustee in writing of the death of any Individual Defendant within thirty (30) days of the date of such Individual Defendant’s death, and to provide to the Trustee the county and state of residence at the time of death of the deceased Individual Defendant; and (iii) expressly agrees to reasonably cooperate

with the Trustee, where applicable, by, among other things, (a) advising the Trustee whether a probate has or will be filed, (b) filing a stipulation substituting the deceased Individual Defendant's estate or personal representative/executor and/or (c) advising the Trustee who will represent the deceased Individual Defendant's estate herein and in any probate proceeding. For the avoidance of doubt, the parties to this stipulation expressly agree that the obligations set forth in this paragraph shall continue beyond the time period addressed by the stipulation and shall be ongoing for the duration of the above-captioned adversary proceeding.

This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original. This stipulation is entered into pursuant to the Order Granting Supplemental Authority To Stipulate To Extensions Of Time To Respond And Adjourn Pre-Trial Conferences (ECF No. 10106) in the above-captioned case (No. 08-01789 (SMB)).

[The remainder of this page is intentionally left blank.]

Dated as of: September 14, 2015

BAKER & HOSTETLER LLP

By: s/ Nicholas J. Cremona

45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

**WILMER CUTLER PICKERING HALE
AND DORR LLP**

By: s/ Charles C. Platt

399 Park Avenue
New York, New York 10022
Telephone: 212.230.8860
Facsimile: 212.230.8888
Charles C. Platt
Email: charles.platt@wilmerhale.com
George Shuster
Email: george.shuster@wilmerhale.com

*Attorneys for Defendants Nancy J. Marks Trust
2002; the Estate of Nancy J. Marks; Sidney
Marks, in his capacity as successor trustee for
the Nancy J. Marks Trust 2002 and as personal
representative of the Estate of Nancy J. Marks;
Lawrence D. Marks; Robert A. Marks; and
Susan M. Lazarus*